

BOARD NEWS



CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

MAY 1999

MEET THE LICENSING UNIT

Employees of the Structural Pest Control Board's Licensing Unit scheduled almost 8,000 applicants for examination last year, issued approximately 5,000 licenses, and scored examination papers and issued results to more than 6,300 examinees. Over 105,000 pages of stamps were ordered, requiring staff to verify registration status for every order. Almost 200 new company registrations were issued. The licensing staff accomplished all of these transactions, in addition to processing thousands of checks for services, changing addresses and employers on more than two thousand records, and issuing almost a thousand duplicate licenses. And while processing these requests, they answer thousands of telephone calls each year. Please meet the staff that works so diligently to provide you with these services and more.

STAFF SERVICES SUPERVISOR

Steve Thomason oversees the operations of the Licensing and Imaging Units and the examination proctors for the Board's licensing examination program. He handles all attendance

and personnel issues for the Board. He negotiates contracts for examination sites, equipment maintenance, and storage facilities. Steve maintains office statistics for both units and supervises staff placed by the American Association of Retired Persons. He evaluates applicants for licensure with criminal records for approval or denial of a license. He is systems administrator for the imaging network which ensures

the system is operational. Being a supervisor, Steve feels all procedures that do not run in an orderly fashion on a staff member's desk or in a unit will eventually affect him. So all matters that streamline the units' efficiency will make his job easier. Steve is a football fan who loves woodwork and spending time with his six-year-old daughter, Alexanne.

(Continued on Page 10)



Left to right, Front Row: Steve Thomason and Monica Campbell. Back Row: Mekki Northon, Melissa Roberts, and Dorothy Nakagawa. Not pictured: Terry Quinn.

In this issue . . .

Meet the Licensing Unit	1
A Message from the President	1
How Important Is Your Income?	2
Field Representative Qualifications	2
SPCB Successful in Second Lawsuit	3
The Enforcement Corner	5
Wooden Deck Reporting Requirements	6
Ask the Chief	6
Board Disciplinary Actions	7
In Memory of Angela D. Newman	11

A Message from the President

On December 22, 1998, the Little Hoover Commission issued an investigative report on the Department of Consumer Affairs (DCA). The investigation that led to that report was conducted in 1997 and 1998, despite Department Director Marjorie Berte's request that it be postponed until after the completion of the Sunset

Review process, which was occurring at almost the same time.

The final Commission report made the following recommendations: (1) that DCA develop a comprehensive consumer education program funded by General Fund money, (2) that the Governor and the Legislature create a

(Continued on Page 4)

STRUCTURAL PEST CONTROL BOARD NEWS

Gray Davis

Governor
State of California

Aileen Adams

Secretary
State and Consumer Services Agency

Kathleen Hamilton

Director
Department of Consumer Affairs

**Members,
Structural Pest Control Board**

Glenn Hellyer
President

Kenneth M. Moore
Vice President

Carl J. Doucette

Nicholas E. Papadakis

Theodora Poloynis-Engen

Kenneth L. Trongo

Donna J. Kingwell
Executive Officer

Standing Committees

Disciplinary Review

Laws & Regulations

Research Advisory

Sunset Review/Strategic Planning

Technical Advisory

Select Committees

Bond & Insurance

Inspection Report

Report Filing

Termite Bait Station

(If you are interested in serving on one of these committees, please submit a request in writing to the President in care of the Board.)

The SPCB News

Susan Saylor
Staff Coordinator

Nancy Hardaker
Editor, DCA
Communications & Education Division

Brence Davis
Graphic Design, DCA
Communications & Education Division

Structural Pest Control Board

1418 Howe Avenue, Suite 18
Sacramento, CA 95825-3204

Administration: 916-263-2540

Licensing: 916-263-2544

Facsimile: 916-263-2469

Website: www.dca.ca.gov/pestboard

HOW IMPORTANT IS YOUR INCOME?

Section 1911 of the Rules and Regulations states, in part:

Each operator, field representative, and applicator shall file his or her address of record with the Board and shall notify the Board of any change in address within ten (10) days of such change.


How important is it for licensees to notify the Board when they change employment or move?

Consider this: All pertinent information affecting a licensee is mailed to the *address of record*, the address that each licensee has provided to the Board. For example, the Board mails all changes to the Structural Pest Control Act, both statutory and regulatory, to licensees. There also may be a need for a licensee to have information regarding reinstatement or administrative hearings or other disciplinary actions.

Perhaps most important to licensees is the notification that the renewal of their licenses is due, which happens every three years. If licensees have not notified the Board when they change their jobs or move, those

renewal notices will be sent to the "wrong" addresses and may not reach them. Then, suddenly, they realize that the renewal deadline and grace period have passed. When that happens, they must not only reapply for their licenses, but must also retake the Branch exam, as required by law. Neither the Board members nor the Executive Officer can make an exception, *no matter what the circumstances might be*.

By not letting the Board know when a change of address occurs, the licensee pays a heavy price, because once the license lapses, the individual is considered unlicensed and may not legally practice structural pest control. The process of reapplication, taking the exam (assumes you pass the first time), applying for and receiving the license can take from six weeks to two months. Again, during this time the individual cannot do any work covered by their lapsed license. In short—no license, no income.

Please remember that notifying the Board of your change of address can mean money in your pocket. 

Minimum Qualifications for Field Representative License Applicants

Board Amends Section 1937

Minimum training and experience qualifications to obtain a Field Representative's License have been established by the recent amendment to Section 1937 of the California Code of Regulations. Specific minimum requirements of training and experience are now accorded to the branch or branches for which the applicant is applying, as follows:

- Branch 1 A minimum of 100 hours of training and experience required in preparation, fumigation, ventilation, and certification.
- Branch 2 A minimum of 40 hours of training and experience required, twenty hours of which are actual field work.
- Branch 3 A minimum of 100 hours of training and experience required, eighty hours of which are actual field work.



SPCB SUCCESSFUL IN SECOND LAWSUIT

Only a month after the Structural Pest Control Board won a major lawsuit against Ecola Services, Inc., the Los Angeles Superior Court issued a \$1.1 million judgment against The Termite Inspector, Inc. for engaging in false and misleading advertising and unfair competition in promoting its microwave system for eliminating termite infestations. In addition to the monetary award, the judgment required The Termite Inspector, Inc. to change its advertising and make additional disclosures to consumers regarding the types of termite control services it offers.

For now this brings to a close several years of civil litigation concerning false advertising and unfair competition. However, it does not bring to a close the continued and ongoing problems associated with some of the pest control advertising to which consumers are exposed on a daily basis.

In December 1998 the California Public Interest Research Group (CALPIRG), following a successful initiative in the State of New York, surveyed telephone directory pest control ads. They found nearly 150 pest control companies that allegedly made deceptive safety or environmental claims related to pesticides in their advertisements. CALPIRG has followed the investigation with the filing of a civil lawsuit against four of those companies.

In addition to the CALPIRG survey of telephone directories, the Board reviews ads from many different publications, including trade journals, magazines, and newspapers. Oftentimes, consumers will send copies of ads and company brochures to the Board, inquiring whether the representations made therein are true. Industry members also send us ads, pointing out that what a particular company may be saying is misleading. The Office of

the Attorney General also monitors advertising through its Consumer Law and Licensing sections.

If your company advertises for termite control and/or uses chemicals and pesticides, the Board urges you to heed the words of Deputy Attorney General Robert Eisman:

What constitutes misleading advertising? A misleading advertisement is one that has "the capacity to deceive." A deceptive statement may be direct, indirect, explicit, or implied.

- ***A misleading representation that a product or method provides an alternative to fumigation.***

Explanation: Whole-structure fumigation and heat treatment are used to treat all detected and undetected infestations of drywood termites in the structure. There is a categorical difference between the coverage afforded by whole-structure fumigation or heat treatment and any other method that does not provide the same coverage (i.e., local or spot treatments with pesticides and/or devices). Without a clear and conspicuous explanation of the difference in treatment coverage, consumers may be misled by advertisements which claim that methods such as use of microwave or extreme cold are alternatives to fumigation.


- ***A misleading representation that a product or method is environmentally safe, or that no chemicals are used.***

Explanation: Federal laws and guidelines prohibit broad unqualified environmental safety claims. If a pest control company represents that no chemicals are used in its treatments, consumers may be misled if there are certain situations where the company recommends or actually uses chemicals.

- ***A misleading representation that a product or method is endorsed or approved by a federal or state agency.***

Explanation: Federal agencies such as the Environmental Protection Agency (EPA), and state agencies such as the Structural Pest Control Board, California Environmental Protection Agency, and Department of Pesticide Regulation, do not endorse or "approve" pest control products or methods. The EPA registers pesticides. However, the issuance of a registration number by the EPA or any state agency, or the registration of a label with these agencies, is "not a stamp of approval or guarantee of effectiveness."

It is important to understand that neither the Structural Pest Control Board nor the Office of the Attorney General is in the business of telling companies how they should advertise their services or products and that neither can give prior approval to ads. It is each company's responsibility to exercise due care based on federal and state laws, to insure that its advertisements are truthful and do not have the capacity to mislead consumers. Companies should consult legal counsel if there are questions about a proposed advertisement.

Having said this, and to repeat what was mentioned earlier, the Structural Pest Control Board will continue working in conjunction with the Office of the Attorney General to monitor advertising by structural pest control companies. Additionally, by the time this article appears, the Board will have proposed a new regulation providing guidelines for advertising. 

A Message from the President *(continued from page 1)*

Consumer Advocacy Council to serve as a conduit for distributing funds competitively to nonprofit consumer groups, (3) that DCA develop a Consumer Protection Alliance to help coordinate consumer protection activities of state and local agencies, and (4) that the boards become policy-making bodies that develop regulations and review enforcement actions—with licensing, enforcement, and administrative activities coordinated by, and eventually consolidated within, the Department.

Clearly, each of the first three recommendations has a great deal of merit, and there is little doubt that the Department as a whole will address them. However, the fourth recommendation is the one with the potential to directly affect all boards, including Structural Pest.

The Commission recommended that the DCA Director (1) hold a seat on every board, (2) approve the selection of new board executive officers, and (3) play a greater role in orienting and training new board members. It also recommended that license fees be disbursed among the boards and the Department from one large “professional regulation fund” and that the boards pay only for administrative services actually rendered.

What does this mean? From my perspective, it is clear that the Commission believes that the Department and the boards have diluted, “balkanized,” and politicized our original mandate to protect the consumer.

It is not my intent to argue or defend the merit of the Little Hoover Commission’s findings here. There will be a time and place for that. But this report does serve as a reminder of why each board member was appointed and serves. We should all consider this as we address strategic planning and Sunset Review and, above all, as we deliberate over each issue, rule, regulation, and policy that comes before us.

I look forward to this year as Board President. We have many challenges as we take the Board into the 21st Century. Let it be said of the Structural Pest Control Board that we met those challenges and always acted in the best interests of the California consumer. 🐞

BUILDING PERMITS

Investigation of consumer complaints has proven that building permits are not routinely obtained when required by local ordinances relative to structural pest control recommendations. In order to protect the consumer and the integrity of the property, the Structural Pest Control Board recently amended section 1991 of the California Code of Regulations requiring the registered company to bring to the attention of the person requesting an inspection the need to obtain a building permit by whoever does the corrective repairs. The regulation amendment reads as follows:

(c) If in the opinion of the inspector a building permit is required, it must be noted on the wood destroying pests and organisms inspection report (Form No. 43M-41 as specified in section 1996 of the California Code of Regulations). 🐞

The Board Joins the Information Highway

www.dca.ca.gov/pestboard

The Board is proud to announce the completion of the first phase of website development. The new site is now available with a wealth of information for consumers and professionals at www.dca.ca.gov/pestboard.



INCOMING MAIL

Some registered companies send a variety of documents, including inspection reports and completion notices, to the Board in the same envelope. The Board’s record storage equipment allows staff to remove stacks of reports from envelopes, after which the reports are put directly into an optical scanner.

Staff does not sort through the thousands of reports received daily. If documents other than inspection reports and completion notices are included in the same envelope, they are never seen by staff and are destroyed when the reports have been scanned and recycled.

To ensure that all mail is processed in a timely manner, Board mail other than Inspection Reports and Notices of Work Completed should be sent in separate envelopes. 🐞

THE ENFORCEMENT CORNER

Cite and Fine—A Milestone or a Millstone?

Dennis D. Patzer, Chief Enforcement Officer

Effective January 4, 1999, the Structural Pest Control Board initiated an enforcement program based on § 1920 of Title 16 of the California Code of Regulations. The regulation was adopted in September 1998 and applies to all branches of structural pest control in California.

Violations of the Code that do not warrant license action through the regular administrative process but are serious enough to justify a citation and fine are the focus of the program. Licensees receiving citations and/or fines have the right to appeal.

The program encompasses all areas of noncompliance with the Structural Pest Control Act and Rules and Regulations. The Board will pay particular attention to:

- Required office records.
- Termite inspection report filing.
- Errors and omissions on termite reports.
- Pesticide disclosure (Owner's Fumigation Notice, Fumigation Log, etc.)
- Notice to Owner Requirements (Mechanic's Lien).
- Bonding and insurance.
- Administrative requirements.
- Licensee probation violations.

Licensee accountability is the primary focus of the program. The following is an example of determining accountability:

When noncompliance is found during an inspection for required office records, the Board Specialist will determine whether the registered

company or a licensee (employee) is responsible. If the violation resulted from the actions of a licensee (employee), a citation and/or fine will be issued to him or her. The registered company is subject to a citation and/or fine if the investigation determines that the noncompliance is the result of company policy or due to lack of supervision and training of the licensee (employee).

When termite inspection noncompliance is discovered during a complaint investigation, a citation and/or a fine will be issued to the inspector (employee) after the registered company has brought the property into compliance. The registered company is subject to a citation and/or fine if the investigation determines that the noncompliance is the result of company policy or due to lack of supervision and training of the licensee (employee).

The Registrar or the Chief Enforcement Officer of the Board will make determination regarding whether a company shall be cited and/or fined. The amount of the fine will be based on the severity of the violation(s) and or prior citations issued to the licensee or registered company. When a licensee or registered company is issued a citation and/or fine, the citation will provide appeal information.


If a hearing is requested to contest the citation, the request shall be in writing and be submitted within 30 days of the issuance of the citation. In addition to requesting a hearing the person cited may, within 10 days after receipt of the citation, notify the Registrar or Chief Enforcement Officer in writing and request an informal conference. The informal conference shall include at least one, but no more than two, industry

members of the Board and the Registrar or Chief Enforcement Officer.

The informal conference will be held within 60 days from the receipt of the request of the person cited. At the conclusion of the conference, the Registrar or Chief Enforcement Officer may affirm, modify, or dismiss the citation, including any fine levied or order of abatement issued. The person cited does not waive his or her request for a hearing to contest a citation by requesting an informal conference after which the citation is affirmed. If the citation is dismissed after the informal conference, the request for hearing in the matter shall be deemed withdrawn.

Statistical information from citations issued will be compiled by Board staff and presented to the Board at regular meetings during the Registrar's Report. The history of licensee citations will be made available to consumers and potential employers of licensees upon request.

The cite and fine program is a milestone in the Board's continual effort to provide consumer protection and accomplish licensee accountability. Data from the program will be available to potential employers of licensees. This is a major breakthrough for owners of registered companies in their search for qualified licensees.

The program will be a millstone for licensees and registered companies unwilling to comply with laws and rules and regulations designed to provide consumer protection. 




REPORTING REQUIREMENTS FOR WOODEN DECKS

Board Amends Sections 1990 and 1991

Reporting requirements have recently been amended to provide specific guidelines on the inspection and repair of wooden decks, wooden stairs, and wooden landings in exterior exposure that are attached to or touching the structure being inspected, and to specify the restoration, refastening, removal, or replacement requirements for same. The specific language reads as follows:

1990 (g) Information must be reported regarding any wooden deck, wooden stairs or wooden landing in exterior exposure attached to or touching the structure being inspected. Portions of such structure that are not available for visual inspection must be designated as inaccessible.

1991(a)(13) Restore any members of wooden decks, wooden stairs or wooden landings in exterior exposure to a condition where they are able to carry out their intended function. Recommendations for corrective measures will depend upon the extent of adverse exposure and existing degree of deterioration and may include any of the following:

- A. Refasten any wood members which are considered structurally functional but have become loose because of wood deterioration.
- B. Remove and/or replace structurally weakened portions of any wood member.
- C. Remove and replace wood members if full function and safety cannot be restored by partial replacement and repair as in (B) above. 

Ask the Chief

Dennis D. Patzer, Chief Enforcement Officer

Q In the vast majority of circumstances today, the Owner's Fumigation Notice is faxed from the Prime Contractor to the realtor, to the customer, and eventually back to the Branch 1 Prime Fumigator. In many cases the Owner's Fumigation Notice is no longer legible, and in most cases the Owner's Fumigation Notice is no longer 8.5" x 14" standard size, but usually a small portion of an 8.5" x 11". Is this legal? If not, what suggestions do you have for fumigators?

A In order for an Owner's Fumigation Notice to comply with the regulation, it must be on 8.5" x 14" paper and must be legible.

Q Can I modify the Owner's Fumigation Notice to include additional consumer information?

A No modifications to the format shown in the regulation are allowed. If you wish to provide additional consumer information, you may do so on the back of the form.

Q Can a prime contractor sign an Owner's Fumigation Notice as "agent" for the property to be fumigated?


A No, not unless the prime contractor can show positive proof that he/she has been authorized to act for or in the place of the owner. If a prime contractor has been authorized to act for or in the place of the owner, written documentation must be available with the notice.

Q Can I use up my existing Owner's Fumigation Notices?

A The time to use up your old Owner's Fumigation Notices expired on January 1, 1999. The regulation requiring the use of the new form went into effect on May 28, 1998. The Board extended the time for implementation of the new form until January 1, 1999, to allow companies to use up their existing supply of notices.

Research Project Completed

A research project with the Regents of the University of California, Berkeley, partially sponsored by the Structural Pest Control Board, has been completed. The research project was titled "Agonistic Behavior and Cuticular Hydrocarbon Phenotypes of Colonies of Reticulitermes

(Isoptera: Rhinotermitidae) from Northern California." If you would like a copy of this report, submit your written request to the Structural Pest Control Board. 



The company registrations held by **Terminix Int. Company** (PR801, Branches 1, 2 & 3) of San Francisco and Sacramento, along with the license issued to **Lee Zusman** (OPR7789, Branches 1, 2 & 3) of San Francisco, were placed on probation for seven months and the licensees were ordered to pay restitution of \$5,605 to the consumer. It was determined that respondents failed to report areas of wood-destroying pest and organisms and misrepresented that all repairs had been completed and the property rendered free of evidence of active infestation and/or infection when, in fact, it was not. The decision was effective July 9, 1998.

In the same matter, the license issued to **Robert M. Dorsey** (FR24172, Branches 2 & 3) of Sacramento was revoked effective July 9, 1998. The charges filed against **Nicolas O. Anding** (FR 19998, Branches 2 & 3) of Newport Beach were dismissed effective July 9, 1998.

The license issued to **Curtis Scott Harmon** (OPR9249, Branch 2) as qualifying manager for Pestnet Corporation, of Rancho Cordova was revoked. It was determined that an employee of Pestnet Corporation failed to perform pest control in a careful and safe manner. This resulted in exposure to and ingestion of a pesticide by a child. It was also determined that respondent failed to report the use of a pesticide to the County Agricultural Commissioner's Office. The revocations were effective July 30, 1998. **Pestnet Corporation** (PR2567, Branch 2) had previously canceled its Branch 2 license in March 1997.

In the same matter, following a default decision, the applicator and field representative licenses issued to **Justin Daniel Roberts**, also known as **Justin Mark Roberts** (RA35810, Branch 2, RA35809, Branch 3, and FR27169, Branch 2) of Sacramento were revoked. The revocations were effective June 21, 1998.

BOARD ACTIONS

May 1, 1998 to February 28, 1999

The company registration held by **King Termite Control, Inc.** (PR839, Branch 3) and the license issued to **Kenneth Allen Downie** (OPR 9049, Branch 3) and **Jerald Keith Downie** (OPR 6347, Branch 3) all of Burbank were suspended for 30 days. However, a civil penalty of \$4,000 was paid in lieu of 20 days of suspension; therefore, respondents served an actual ten-day suspension and were placed on probation for three years. Respondents were required to reimburse the Board \$2,600 for costs of this case and complete a Board-approved correspondence course. In a stipulated settlement, the respondents admitted that they had failed to report areas of wood-destroying pests and/or organisms that extended into inaccessible areas and failed to make recommendations regarding the inaccessible areas. They also failed to report other areas of wood-destroying pests and/or organisms and earth-to-wood contacts. Respondents falsely represented that all repairs were completed and that property was free of evidence of active infestation and/or infection when, in fact, the active infestation had not been eliminated. Repairs were also not completed within the contracted price. The decision was effective July 30, 1998.

In the same matter, the license issued to **Peter D. Pontrelli** (FR21656, Branch 3) of Burbank was revoked. The revocation was stayed with five days' actual suspension and respondent was placed on three years' probation. Respondent was also, required to complete a Board-approved correspondence course in structural pest control. The decision was effective July 30, 1998.

The registration held by **Mitchell Hall Termite Control** (PR2158, Branch 3) and the license issued to **Mitchell L. Hall** (OPR8878, Branch 3) of Fair Oaks were revoked. The revocations were stayed with a 20-day suspension. Respondents were already serving a three-year probation, which began on July 1, 1997, for a prior disciplinary action. Respondents were ordered to serve an additional two-year probation period to commence upon completion of original probation. They were also ordered to pay \$12,125 restitution to the consumer, post a restitution bond in the amount of \$4,000 to be maintained during the entire probation. Respondents admitted that they had failed to report several areas of wood-destroying pests and/or organisms, to report earth to wood contacts, to report inaccessible areas, and to make recommendations thereof. Respondents also misrepresented that all work had been completed and that the property was free of evidence of active infestation and/or infection when, in fact, it was not. The decision was effective August 1, 1998.

In the same matter, the license issued to **Jeffrey L. Daniels** (FR25770, Branch 3) of Fair Oaks was revoked. The revocation was stayed and respondent's license was suspended for ten days and placed on three years' probation. Respondent must also complete a Board approved correspondence course in structural pest control. The decision was effective August 1, 1998.

The field representative license issued to **Natthavudh Matthew Vichaidit** (FR21513, Branch 3) of San Gabriel was revoked in a default decision. It was determined that respondent, in an attempt to meet experience requirements for an operator, falsely completed and signed a Certificate of Experience. The decision was effective August 2, 1998.

(continued on next page)

BOARD ACTIONS *(continued from previous page)*



The licenses issued to **Antonio F. Buitron** (FR19124, Branch 3) of Gardena and **Robert Arbizo** (FR20701, Branch 3) of Lakewood were revoked in a default decision for failing to report evidence of wood-destroying pests and/or organisms and for failing to report inaccessible areas and make a recommendation thereof. The revocations were effective August 29, 1998.



The registration held by **Bonita Pest Control** (PR321, Branches 2 & 3) of Bonita and the license issued to **Jack Harrison Cooper** (OPR7629, Branches 2 & 3) of LaJolla were both revoked in a default decision. It was determined that respondents had failed to adhere to the terms of their probation by failing to pay restitution to a consumer, failing to reimburse the Board for the cost associated with their case, and failing to post a restoration bond. The decision was effective September 10, 1998.



The registration held by **Allstate Exterminating** (PR461, Branch 3) and the license issued to **Neal Raymond Rinaldi** (OPR4559, Branch 3), both of Malibu, were revoked in a default decision. It was determined that respondents had failed to adhere to the terms of their probation as stipulated in a settlement agreement in that respondents had failed to pay restitution to a consumer and failed to file quarterly reports with the Board. The decision was effective September 24, 1998.



The registration held by **Tallon Termite and Pest Control, Inc.** (PR545, Branch 3) of Long Beach and the branch office of **Tallon Termite and Pest Control, Inc.** (BR3889, Branch 2) of Redondo Beach were suspended for 15 days. However, a civil penalty in the amount of \$5,000 was paid in lieu of 13 days of the suspension, leaving respondents to serve an actual two-day suspension and complete two years of probation. The license issued to **Joseph Frederick Tallon** (OPR7788, Branch 3) of Long

Beach and the branch offices of **Tallon Termite and Pest Control, Inc.** (BR3800, BR4195, BR4273, BR4376, and BR4393, all in Branch 2) of Bakersfield, Lemon Grove, Union City, Ventura, and Watsonville, respectively, were suspended for 15 days. However, these suspensions were stayed and respondents were placed on probation for two years. Respondents are required to complete a Board-approved correspondence course in structural pest control and pay restitution to three consumers in the amounts of \$14,000, \$30,000, and \$1,000. Respondents are also required to reimburse the Board \$15,365 for cost of this case and post a surety bond with the Board. The accusation had alleged that the respondents had failed to eradicate wood-destroying pest and/or organisms as required by a contractual service agreement with a consumer, failed to report areas of wood-destroying pests and/or organisms, failed to report inaccessible areas and make recommendations thereof, and misrepresented that they had completed the corrective work when, in fact, they had not. It was also alleged that work, which was performed, did not meet the accepted trade standards for good and workmanlike construction. Although the respondents did not specifically admit to any of the allegations set forth in the accusation, respondents acknowledged that the Board had a sufficient evidentiary basis to initiate administrative action to impose discipline. The decision was effective November 11, 1998.

In the same matter, all charges against **Robert W. Trout** were withdrawn, effective October 7, 1998.



The registration held by **Paramount Pest Control Service of Los Angeles** (PR1068, Branches 2 & 3) and the license issued to **James Royster Hinton** (OPR4902, Branches 2 & 3), both of Los Angeles, were revoked. However, the revocations were stayed with a concurrent 15-day suspension for respondents. Respondents elected the option of paying a civil penalty in the amount of

\$1,400 in lieu of a seven-day suspension. Therefore, respondents served an eight-day suspension and were placed on probation for three years. Respondents were also ordered to post a disciplinary bond in the amount of \$4,000, pay \$3,600 restitution to the consumer, reimburse the Board \$3,500 for the cost of the suit and complete a Board-approved correspondence course in structural pest control repairs and corrections. In a stipulated settlement, respondents admitted that they failed to report evidence of wood-destroying pest and/or organisms, failed to report evidence of wood-destroying pests, which extended into an inaccessible area, and failed to make a recommendation thereof. Respondents failed to notify homeowners of pesticide or pesticides to be used and also failed to include this information on the inspection report. They misrepresented that property was free of evidence of active infestation or infection when, in fact, the infestation had not been eliminated, and they failed to complete repairs within the contracted price. The decision was effective November 11, 1998.



The registration held by **Sentinel Termite & Pest Control** (PR1593, Branches 2 & 3) and the licenses issued to **Dale Glenn Fisher** (OPR9317, Branch 3) and **Daniel Lee Bussey** (OPR8604, Branch 2), all of Corona, were revoked in a default decision. It was determined that respondents had acts of gross negligence by failing to report wood-destroying pest and/or organisms on several occasions. It was also determined that respondents misrepresented that a property was free of evidence of active infestations or infections when, in fact, active infestations and infections were still clearly visible after completion of repairs. The decisions were effective November 13, 1998.

BOARD ACTIONS *(continued from previous page)*



The field representative's license issued to **Scott Silao** (FR22630, Branch 1) was revoked in a default decision. The decision reimposed the order of revocation because respondent failed to comply with terms and conditions of the probation in a prior disciplinary matter. Respondent performed the duties of a field representative during the period when he did not have the required restoration bond on file with the Board, and he failed to file the required quarterly reports with the Board. The decision was effective December 31, 1998.



In the matter of the application for the issuance of a Branch 1 operator's license submitted by **Kenneth John Campion** of Spring Valley, the Board adopted the Administrative Law Judge's proposed decision to deny the license application. Respondent was the owner of Corky's Fumigation, which violated numerous provisions of the Structural Pest Control Act and the Food and Agricultural Code between July 1992 and December 1992, including the use of a tarp with large holes permitting fumigant to leak, using a fumigant in a manner contrary to the instructions on the product's label, and failing to properly secure buildings being fumigated. In addition, respondent aided and abetted an unregistered company in evading provisions of the Structural Pest Control Act by allowing the unregistered company to use the address, telephone number, and property of Corky's Fumigation in order to perform several fumigations in San Diego County. Sufficient rehabilitation was not established to protect the public safety. The decision was effective January 17, 1999.



The company registration held by **Sunrise Pest Control** (PR1702, Branches 2 & 3) and the operator's license held by **Robert Oliver Richardson** (OPR 8417, Branches 2 & 3), both of Carmichael, were suspended for five days. However, a civil penalty in the

amount of \$1,000 was paid in lieu of suspension and respondents were placed on a three-year probation. Respondents were also required to pay restitution to the consumer in the amount of \$4,000, reimburse the Board for investigative costs of \$1,500, and complete a Board-approved course in Branch 3. In the stipulated settlement, respondents admitted that recommended repairs were not completed and that they had failed to bring the property into compliance within 30 days as ordered by the Board. They also misrepresented the condition of the property by certifying it to be free from active infestation and/or infection when, in fact, infections of decay fungi, damage, and moisture conditions still existed. The decision was effective January 20, 1999.



The company registration held by **J. H. Steffenson Termite & Pest Control, Inc. dba Allied Fumigation** (PR415, Branches 1, 2 & 3), the company registration held by **J. H. Steffenson Termite & Pest Control, Inc. dba Ms. Mouse Pest Control** (PR385, Branches 2 & 3), the license issued to **Scott Steffenson** (OPR9015, Branch 1) and the license issued to **James Harvey Steffenson** (OPR8546, Branches 2 & 3), all of Campbell, were suspended for three days. The stipulated settlement placed each respondent on 18 months' probation. Respondents had failed to use adequate warning agent (chloropirrin) while performing a fumigation. The decision was effective January 20, 1999.

In the same matter, the license issued to **Rick Lee Young** (FR25182, Branch 1) of Campbell was revoked in a default decision. The revocation was effective January 9, 1999.



In the matter of an application received for a field representative's license in Branches 2 & 3 submitted by **Lloyd P. Dorris** of Petaluma, the stipulated agreement was to grant the issuance of the license contingent upon respondent

fully complying with the requirements for issuance of said license. Said license would then immediately be placed on two years' probation and the licensee required to complete a Branch 3 correspondence course and file a \$6,000 restoration bond with the Board. The decision was effective on January 21, 1999.



The field representative license issued to **Earle Buchanan** (FR20533, Branch 3) of Riverside, was suspended for 45 days. However, a civil penalty in the amount of \$2,500 was paid in lieu of 30 days and respondent served an actual 15 days' suspension. The stipulation also placed respondent on three years' probation, required completion of a Board-approved course in structural pest control, and required respondent to file a \$3,000 restoration bond with the Board. Respondent solicited for pest control work, submitted a written estimate, and advertised as a pest control company without first registering his company with the Board. Respondent also failed to provide the property owner with a clear written statement concerning the pesticide(s) to be used and the active ingredient(s). The decision was effective January 21, 1999.



MEET THE LICENSING UNIT *(continued from page 1)*

CASHIERING

Dorothy Nakagawa is the cashier for all monies collected by the Board. She balances the total amount of monies for reports of collection to be sent to the Department's accounting office daily. She processes all fines levied by County Agricultural Commissioner's offices, as well as investigative costs, cost recovery, and penalty assessments. She is responsible for sending letters to companies informing them of investigative charges regarding complaint cases. She also processes all renewal fees and refunds. Dorothy states that companies and licensees should make sure the fees they send in to the Board are accurate, since incorrect fees slow down the process. Dishonored checks are also a large problem and may result in the cancellation of a license. Dorothy, an avid 49er fan, loves to travel and collect crafts.

FIELD REPRESENTATIVE LICENSING

Melissa Roberts processes all applications for licensure as field representatives. She maintains these records through transfers of employment, address changes, and personal name changes. She prepares Field Representative license histories for the public as requested. She assists in scheduling and notifying applicants of pest control test results by mail. She forwards fingerprint cards to the Department of Justice for screening. Melissa feels licensees should thoroughly check the expiration dates on their licenses as well as keep the Board informed of any address changes to ensure that renewals are sent to the correct addresses. Also, when a licensee upgrades his/her license to include an additional branch, the licensee should send the original wall license to the Board to be upgraded as well. Melissa, an Oakland Raiders and A's fan, loves hiking, camping, and photography.

REVENUE STAMPS— APPLICATOR LICENSING

Mekki Northon receives all applicator examinations from County Agricultural Commissioners' offices throughout the state. She verifies via computer if an applicant has a current or prior license. She processes completed examinations by entering license data into the computer. She maintains license files by updating all changes of address, transfers of employment, and name changes. She is responsible for supplying applicator license histories to the public as requested. Mekki processes all orders for inspection, completion, and pesticide use stamps, which includes verifying bond and insurance status. She traces stamp orders misplaced in the mail. Mekki maintains a log of all stamp orders and processes all applicator renewal records. She says that if the industry would complete all forms exactly as instructed, requests could be filled in a timely manner. Mekki loves collecting dolls, thrift store shopping, and spending time with her family.

BONDS— INSURANCE

Monica Campbell is in charge of bonds and insurance for company registrations and licenses. She processes the bond and insurance certificates for registered companies, as well as restoration bonds for companies and licensees. She notifies companies by mail if the expiration or cancellation period for their bond or insurance is approaching, therefore allowing them to contact their agent to avoid company suspension. She also issues suspension letters to companies that are not in compliance with the bond and insurance requirement. She provides information on certificates of insurance and bonds to consumers and the industry as requested. Monica processes cash deposits with the Office of the State Treasurer. She releases funds upon court order, or returns the funds to the company once the required time for retaining a cash deposit has elapsed. Monica tallies all cash deposits and releases at fiscal year-

(continued on the next page)

1999 Examination Calendar

May	24, 25, 26, 27, 28
June	21, 22, 23, 24, 25
July	19, 20, 21, 22, 23
August	23, 24, 25, 26, 27
September	20, 21, 22, 23, 24
October	18, 19, 20, 21, 22
November	15, 16, 17, 18, 19
December	13, 14, 15, 16, 17

*Exams are conducted in Sacramento and San Bernardino.
For more information call 916-263-2544.*

Continuing Education Includes Business Courses

In August 1989, the Structural Pest Control Board approved criteria for business-related continuing education courses. The guidelines for general point approval include a maximum of 9 hours in Operational Efficiency and 3 hours in Business Management. Credit can be earned for continuing education during a three-year renewal period.

Operational Efficiency: Courses that teach those business functions that result in better or more efficient service to existing customers. This would include accounting, computer operations, risk management, forecasting and budgeting, recruiting, hiring, and employee relations.

Business Management: Courses in marketing and advertising, productivity, sales training and new services.

If there are any questions, please contact Ms. Karen Sanders at (916) 263-2540.

MEET THE LICENSING UNIT *(continued from previous page)*


end to balance with the totals kept at the Office of the State Treasurer. She keeps Board Specialists notified of any suspensions of companies because of bond and/or insurance lapse. Monica feels that if bond/insurance companies would send renewals in a timely manner, registration suspensions would be avoided and therefore when the public calls for a company's status, companies would be in compliance. Monica loves cooking, sewing, and spending time with her sons.

COMPANY REGISTRATION— OPERATOR LICENSING

This position is currently vacant. Duties include responsibility for issuing Company Registrations, Operators Licenses, and Branch Office Registrations, for making changes pertaining to those records, and for answering all requests for certified histories of company registrations and operator licenses. The responsibility also lies with this staff member to approve the names for company registrations. The difficulty in approving name styles is that most standard or commonly used names have been taken and other name styles are denied because they are too similar to those currently in use. This makes it increasingly difficult for those entering the

industry to receive a name style of their choice. The solution to this problem is to be as creative as possible, because if the name is not unique, chances are that it's already in use.

EXAMINATIONS

Terry Quinn is responsible for scheduling applicants for the Operator and Field Representative examinations, as well as the examination for renewal of license. He examines all applications for accuracy, and schedules applicants according to their preference of location – either northern or southern California. He sends the applicants the date, time, and location of their tests, and he notifies applicants when their applications have not been filled out correctly. He notifies all testing applicants of their results by mail, and is responsible for supplying each County Agricultural Commissioner's Office with applicator examination material. Terry stated that applicants should thoroughly complete their applications, and when he sends them a letter for correction, to read it carefully, because too many applicants send the applications back incorrectly a second time. Terry, an athlete, loves to play rugby and golf. 

In Memory of Angela D. Newman



*Angela D. Newman
August 5, 1961 - February 25, 1999*

Angela Newman came to the Structural Pest Control Board some fourteen years ago. She held a number of different positions over the years but most recently was in charge of all company and branch office registrations, the Operator licensing program, and working with individuals in selecting a name style for their companies.

Angela's heart was as big as her family. And her circle of friends—both within the Board and outside of work—was immense. If one remembered one thing about Angela, it had to be her smile that could light up all of Sacramento and her laugh that will resonate for years to come. And, not in any particular order, Angela loved fishing, playing cards, good music, good food, and Baskin-Robbins. Her passion for sports, especially the 49ers, cannot be equaled.

Angela will be missed by all of us.



STRUCTURAL PEST CONTROL BOARD

1418 Howe Avenue, Suite 18
Sacramento, CA 95825-3204

BULK RATE
U.S. POSTAGE
PAID
Sacramento, CA
Permit No. 685

MAY 1999


STRUCTURAL PEST CONTROL BOARD NEWS

PAGE 12


Updated Regulations Available

The following sections of the California Code of Regulations have been updated since the printing of the 1998 Structural Pest Control Act:

<i>Section 1920</i>	Citation and Fine
<i>Section 1922</i>	Civil Penalty Actions by Commissioners
<i>Section 1934</i>	Board-Approved Operator's License Course
<i>Section 1937</i>	Qualification of Applicant
<i>Section 1970.4</i>	Pesticide Disclosure Requirement
<i>Section 1990</i>	Report Requirements
<i>Section 1991</i>	Report Requirements
<i>Section 1996</i>	Report Requirements
<i>Section 1996.2</i>	Standard Notice of Work Completed/Not Completed

To obtain a copy of the current regulations, contact the Structural Pest Control Board at 916-263-2540, or write to the Board at 1418 Howe Avenue, Suite 18, Sacramento, CA 95825. 

CORRECTION NOTICE

The Board's September 1998 newsletter contained an article that the Board had won a civil lawsuit against Ecola Services, Inc., based on unfair business practices. The article incorrectly reported that Ecola Services had made actionable misrepresentations in its advertising that the Electro-gun was registered with the Environmental Protection Agency, and that it had been tested by various federal organizations. The Board hopes that this clarifies the court's ruling in this matter. 

STRUCTURAL PEST CONTROL BOARD'S TOLL-FREE LINE: 800-PEST-188

Our toll-free 800 number was first established in 1994. Designed with the consumer in mind, this line gives consumers the convenience of a toll-free number to seek information, have questions answered, or register complaints regarding a pest control company or licensee. However, we can no longer transfer calls to our Licensing or Administration units. For calls regarding a licensing issue, call our Licensing Unit at 916-263-2544. Our Administration phone number is 916-263-2540.